



21st Floor
1251 Avenue of the Americas
New York, NY 10020-1104

Elizabeth A. McNamara
212.489.8230 tel
212.489.340 fax

lizmcnamara@dwt.com

November 15, 2023

VIA ECF

Hon. Sarah Netburn
United States District Court
Southern District of New York
Thurgood Marshall United States Courthouse
40 Foley Square
New York, New York 10007

Re: ***Devin G. Nunes v. NBCUniversal Media, LLC, 1:22-cv-01633-PKC-SN***

Dear Magistrate Judge Netburn:

Plaintiff Devin G. Nunes (“Plaintiff”) and Defendant NBCUniversal Media, LLC (“NBCU”) respectfully submit this joint status letter in accordance with Your Honor’s September 26, 2023 Order (the “Order”) (Dkt. 80) to provide an update on the status of discovery.

Since the Order, Plaintiff has retained new lead counsel. Jason Greaves and Shawn Flynn of the Binnall Law Group (“Plaintiff’s Counsel”) have appeared on behalf of Plaintiff in this action. However, the progress of discovery has been significantly impeded by the Binnall Law Group’s representation that they have been unable to obtain case-files from Plaintiff’s prior counsel. As of the time of this filing, Plaintiff’s counsel has been in contact with the receiver appointed to oversee the winding down of Mr. Biss’s legal practice. Unfortunately, the receiver has been unable to provide documents relevant to this case at this time due to issues with obtaining Mr. Biss’s laptop and the difficulty in organizing Mr. Biss’s client files to be given to counsel that have taken over specific cases. The receiver has assured Plaintiff’s counsel that he is working diligently to provide all documents and files that he can as soon as possible. Plaintiff’s Counsel alerted NBCU to this issue on November 3, 2023. In addition to what appears on the docket concerning discovery, NBCU has since provided Plaintiff’s Counsel with relevant discovery, including previously-served discovery requests, responses and objections thereto, deposition transcripts, and all documents previously produced in this action.

In the interim, we have been able to take one deposition. On October 25, 2023, NBCU deposed Plaintiff’s former Chief of Staff, Jillian Souza. The Parties have also tentatively scheduled the depositions of Plaintiff’s former staffers Nicholas Ciarlante, Jacob Langer, Derek Harvey, and George Pappas on dates in early December and January.

Hon. Sarah Netburn
November 15, 2023
Page 2

In light of these issues, Plaintiff's Counsel believes it will be necessary to extend fact discovery by two additional months. NBCU consents to this proposed extension. Accordingly, the Parties respectfully request that the close fact discovery be adjourned from its current deadline of February 23, 2024 to April 23, 2024. Should the Court grant this extension, the Parties propose that all relevant deadlines should be modified in accordance with the original Scheduling Order (Dkt. 62) entered in this case. Accordingly, the Parties would be required to file any Pre-Motion letter regarding summary judgment motions by no later than May 7, 2024 and any expert discovery would conclude on June 7, 2024.

The Parties thank the Court for its understanding and will make itself available for a conference with the Court to discuss these issues if the Court so requires.

Respectfully Submitted,



Elizabeth A. McNamara
Jeremy A. Chase
Alexandra M. Settlemayer
DAVIS WRIGHT TREMAINE LLP
1251 Avenue of the Americas, 21st Floor
New York, NY 10020
Tel: (212) 489-8230
Email: lizmcnamara@dwt.com
jeremychase@dwt.com
alexandrasettelmayer@dwt.com

*Attorneys for Defendant
NBCUniversal Media, LLC*

/s/ Jason Greaves

Jason Greaves
Shawn Flynn
BINNALL LAW GROUP
717 King Street, Suite 200
Alexandria, VA 22314
Tel: (703) 888-1943
Email: jason@binnall.com
shawn@binnall.com

Attorneys for Plaintiff Devin G. Nunes